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10/586,277	02/06/2008	Abram Evert Van Laar	3135-062115	4259

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EXAMINER	
GOLIGHTLY, ERIC WAYNE	
ART UNIT	PAPER NUMBER
1714	

NOTIFICATION DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patents@webblaw.com

Office Action Summary	Application No.	Applicant(s)	
	10/586,277	VAN LAAR, ABRAM EVERT	
	Examiner	Art Unit	
	Eric Golightly	1714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *22 February 2011*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *18-34* is/are pending in the application.

4a) Of the above claim(s) *31-34* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *18-30* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. Applicant's amendment filed 2/22/2011 is acknowledged. Claims 18-34 are pending. Claims 31-34 are withdrawn. Claims 1-17 are cancelled.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 24 and 25 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 24 recites the limitation "the brushing means" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Regarding claim 24, the phrase “the brushing means” in line 2 renders the claim indefinite because it is not clear what this means. It appears that the intended meaning is the “mechanism connected to the support for brushing the surface” of claim 23, lines 2 and 3, and this meaning will be used for purposes of examination.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and

> the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. The factual inquiries set forth in *Graham* v. *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

6. The common knowledge or well-known in the art statements made in the previous Office action are taken to be admitted prior art because applicant(s) either failed to traverse the examiner's assertion of official notice or the traverse was inadequate. MPEP 2144.03(C).

7. Claims 18-23 and 26-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over WO 0020693 to Jacquinet (hereinafter “Jacquinet”) in view of DE 10327413 to Schulte et al (hereinafter “Schulte”).

Regarding claim 18, Jacquinet teaches an apparatus which is fully capable of being used for cleaning surfaces fouled with chewing gum (abstract) including: a mobile support structure (Fig. 1, ref. 10 and page 9, paragraph beginning “In Figure 1”), a supply container (Fig. 1, ref 12, and page 9, paragraph beginning “In Figure 1") for a cleaning agent, a plurality of nozzle units (Jacquinet at Fig. 3, ref. 25A-D, 26A-D, 27 and 28, and page 10, first paragraph) coupled to the supply container, which are fully capable of being used for supplying the cleaning agent to a surface fouled with chewing

gum, wherein each nozzle unit is fully capable of being adapted to supply the cleaning agent to the same part of the surface at least once during displacement of the support structure, and a pump (Fig. 1, ref. 13, and page 9, paragraph beginning “In Figure 1"), or pressure-generating mechanism, for feeding cleaning agent under pressure to a spray unit.

Jacquinet discloses that the pressure-generation mechanism is fully capable of pressuring a cleaning agent over 750 bar (claim 2), but is silent regarding it being capable of being used such that the pressure of the cleaning agent sprayed on a surface lies between 300 and 750 bar. Further, Jacquinet is silent regarding the heating mechanism and that the nozzle units comprise spraying units. Schulte teaches a device for cleaning surfaces (abstract) including heating mechanism (Fig. 1, ref. 5 and 6 and EPO machine translation at claim 12) which is disclosed as advantageously useful for heating a cleaning agent for the effective removal of gum (EPO machine translation at paragraph [0041]) and means for adjusting the pressure (EPO machine translation at claim 14). Schulte discloses the pressure adjustment means as fully capable of being used wherein cleaning agent is brought under pressure such that the cleaning agent is sprayed on a surface for cleaning at 300 bar (EPO machine translation at claim 14 and paragraph [0041]) and discloses the heating mechanism as fully capable of being used to heat a cleaning agent to 150 degrees Celsius (EPO machine translation at paragraph [0041]). Schulte discloses nozzles units comprising spraying units (Schulte EPO machine translation at paragraph [0024]). It would have been obvious to one of ordinary skill in the art at the time of the invention to include heating mechanism and

means for adjusting the pressure as per the device of the Schulte teaching in the apparatus as per the Jacquinet teaching in order to enhance process control and allow for a broader range of cleaning operations with a broader range of temperatures and pressures. Further, the skilled artisan would have found it obvious to include spraying units as in the device of the Schulte teaching in the nozzle units of the apparatus of the Jacquinet teaching in order to allow for a broader range of cleaning operations including those suitable for enhanced distribution of a liquid over an area, increased liquid surface area, or enhanced impact force on a surface.

Regarding claim 19, Jacquinet and Schulte disclose an apparatus wherein some spray units are fully capable of being adapted to spray the surface in a substantially circular pattern (see Jacquinet at Fig. 3, ref. 25A-D, 26A-D, 27 and 28 and page 10, first paragraph).

Regarding claim 20, Jacquinet and Schulte disclose an apparatus wherein the spray units are connected rotatably to the support structure (see Jacquinet at Fig. 3, ref. 25A-D, 26A-D, 27 and 28 and page 10, first paragraph).

Regarding claim 21, Jacquinet and Schulte disclose an apparatus including two spray sets (Jacquinet at Fig. 3, ref. 27 and 28 and page 10, first paragraph), each including four spray units (Jacquinet at Fig. 3, ref. 25A-D and 26A-D and page 10, first paragraph) which are fully capable of being positioned one behind the other as seen in a direction of displacement of the support structure (Jacquinet at Figs. 10-12 and page 11, second to last paragraph to page 12, first paragraph).

Regarding claim 22, Jacquinet and Schulte disclose an apparatus including a suction mechanism (Jacquinet at page 6, paragraph beginning “Other optional equipment … includes: A conventional dry aspirator” and Schulte EPO machine translation at paragraph [0020]) connected to the support structure, which is fully capable of being used for suctioning up cleaning agent supplied to the surface.

Regarding claim 23, Jacquinet is silent regarding a brushing mechanism. Schulte discloses a brushing mechanism (Fig. 1, ref. 7 and 8 and EPO machine translation at paragraph [0040]). The skilled artisan would have found it obvious to connect a brushing mechanism as in the apparatus of the Schulte teaching to the support structure of the apparatus of the Jacquinet teaching to yield predictable results in order to enhance cleaning. MPEP 2141(A) and MPEP 2144.04(V)(B).

Regarding claim 26, Jacquinet and Schulte disclose an apparatus further including a shielding element (Jacquinet at Fig. 2, ref. 22 and page 9, last paragraph and Schulte at Fig. 1, ref. 1 and EPO machine translation at paragraph [0039]) wherein the spray units and brush mechanism are shielded by the shielding element.

Regarding claim 27, Jacquinet and Schulte disclose an apparatus including a mechanism for regulating the pressure of cleaning agent (Jacquinet at Fig. 1, ref. 13 and page 9, paragraph beginning “In Figure 1”). It is noted that Jacquinet and Schulte further disclose a mechanism for regulating the pressure of cleaning agent (Jacquinet at Fig. 1, ref. 13 and page 9, paragraph beginning “In Figure 1”) and a mechanism for regulating the temperature of cleaning agent (Schulte at Fig. 1, ref. 5 and 6 and EPO machine translation at claim 12).

Regarding claim 28, Jacquinet and Schulte disclose an apparatus wherein the relative orientation of the spray units and the support structure can be changed (Jacquinet at Fig. 1, ref. 10, Fig. 3, ref. 27 and 28 and Figs. 10-12).

Regarding claim 29, Jacquinet and Schulte disclose an apparatus wherein the support structure is formed by a vehicle (Jacquinet at Fig. 1, ref. 10 and page 9, paragraph beginning "In Figure 1").

Regarding claim 30, Jacquinet and Schulte disclose an apparatus including a mechanism useful for guiding the support structure (Jacquinet at Fig. 1, ref. 16 and page 9, paragraph beginning "In Figure 1") in a predefined path.

8. Claims 24 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jacquinet (WO 0020693) in view of Schulte (DE 10327413) and in further view of EP 381904 to Ducreux et al. (hereinafter "Ducreux").

Jacquinet and Schulte disclose a brushing mechanism wherein the brush rotates perpendicular to the surface (Schulte Fig. 1, ref. 7 and 8 and EPO machine translation at paragraph [0040]) rather than parallel to the surface, i.e. a roller brush. Ducreux teaches a cleaning device for surfaces (abstract) and discloses a brushing mechanism that includes a roller brush (Fig. 5, ref. 30, incl. ref. 31' and paragraphs beginning "Drums 31 of brushes 30"). Ducreux discloses a brush roller positioned between a front spray unit and a rear spray unit (Fig. 1, ref. 38 and 39, Fig. 2, ref. 38 and 31', paragraphs beginning "Drums 31 of brushes 30" and claim 1). The skilled artisan would have found it obvious to substitute a brush roller of the device as per the Ducreux

teaching for the brush of the apparatus as per the Jacquinet/Schulte teachings to obtain predictable results. MPEP 2143(B). Assuming, arguendo, that the applied art did not disclose a brush between spray units, it is noted that the skilled artisan would have found it obvious to try since there are only four options: a) all brushes in front of spray units, b) all brushes behind spray units, c) all brushes located either in front of or behind spray units and d) a brush between spray units.

Response to Amendment

9. The specification and claim objections and the rejections under 35 USC 112, second paragraph, made in the previous Office action are overcome in view of the amendment. New rejections under 35 USC 112, second paragraph, are made herein, as discussed above in the section “Claim Rejections - 35 USC § 112”.

Response to Arguments

10. Applicant's arguments filed 2/22/2011 have been fully considered but they are not persuasive.

In response to applicant's argument that the applied art teaches away from using a recited pressure range since, it is alleged, Jacquinet (WO 0020693) discloses a preference for using a higher pressure (remarks at page 9, second paragraph), applicant is reminded that the present claims are drawn to an apparatus, not to a method. A recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to

patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim.

In response to applicant's argument that the applied art does not teach or suggest the step of heating to a recited temperature range (remarks at page 9, second paragraph), a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim.

Regarding applicant's argument that the applied art does not teach or suggest a device which is fully capable of spraying an agent at 300 bar since, it is alleged, the pressure disclosed by Schulte (DE 10327413) refers to a contact pressure of a brush on a surface (remarks at page 9, third paragraph), applicant's attention is directed to the (EPO machine translation of Schulte at claim 14, wherein it states "pressure of the liquid".

Regarding applicant's argument that the applied art does not teach or suggest a device which is fully capable of spraying at the recited range of "substantially between 300 and 750 bar" since, it is alleged, this recitation requires a pressure above 300 bar and Schulte only discloses using 300 bar (remarks at page 9, third paragraph), it is noted that the claim language includes a pressure of 300 bar and thus the pressure of the applied art meets the claim. MPEP 2131.03. Assuming, arguendo, a pressure of greater than 300 bar were required by the claim language, the skilled artisan would

have found it obvious to use a device which is fully capable of spraying at, e.g., 301 bar. MPEP 2144.05(I).

In response to applicant's argument that there is no teaching, suggestion, or motivation to combine the references since, it is alleged, Jacquinet contemplates using the disclosed device therein at higher pressures than the pressures contemplated for use with the apparatus of the Schulte teaching (remarks, paragraph bridging pages 9 and 10), applicant is reminded that the present claims are directed to an apparatus and not to a method. The skilled artisan would have found it obvious to combine the Jacquinet and Schulte teaches in order to obtain an apparatus with enhanced process control and allow for a broader range of cleaning operations with a broader range of temperatures and pressures.

Conclusion

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric Golightly whose telephone number is (571) 270-3715. The examiner can normally be reached on Monday to Thursday, 7:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Kornakov can be reached on (571) 272-1303. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/E. G./

Examiner, Art Unit 1714
/Michael Kornakov/
Supervisory Patent Examiner, Art Unit 1714